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OFFICE OF PETITIONS

In re Application of	:	
Mason et al.	:	DECISION ON PETITION TO
Application Number: 09/627253	:	WITHDRAW HOLDING OF
Filing Date: 07/28/2000	:	ABANDONMENT
Attorney Docket Number:	:	
1322/40/2	:	

This is a decision on the "PETITION UNDER 37 C.F.R. § 1.181(a) TO WITHDRAW HOLDING OF ABANDONMENT," filed on November 20, 2008.

A Notice of Abandonment was mailed on November 12, 2008, stating that the application was abandoned for failure to timely file a proper reply to the final Office action mailed on April 4, 2008.

Petitioners aver that the Office issued the Notice of Abandonment in error because applicant filed a timely and proper reply to the final Office action of April 4, 2008. Specifically, petitioners assert that they timely filed a Notice of Appeal and a two (2) month extension of time on September 4, 2008.

A review of the record reveals that a Notice of Appeal and two (2) month extension of time filed on September 4, 2008, are located therein.

Receipt of the Appeal Brief filed on December 4, 2008, and one (1) month extension of time are acknowledged.

It is noted that the Notice of Appeal and Appeal Brief fees were previously paid on December 2, 2005 and June 2, 2006, respectively. As the fee amounts have increased, the difference will be charged to counsel's deposit account as authorized in the Notice of Appeal filed on September 4, 2008, and the Appeal Brief filed on December 4, 2008.

Accordingly, there is no abandonment in fact. The holding of abandonment is withdrawn and the application is restored to pending status.

This matter is being referred to Technology Center Art Unit 2416 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.

A handwritten signature in black ink, appearing to read "D Wood".

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions